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Attorneys for Complainant

**BEFORE THE
RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation and Petition to
Revoke Probation Against:

ALDEN G. DAVIS

4137 West 61st Street
Los Angeles, California 90043

Respiratory Care Practitioner License No. 26416,
Respondent.

Case No. D1 2006 205

OAH No. 2009030167

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties in
this proceeding that the following matters are true:

PARTIES

1. Stephanie Nunez (Complainant) is the Executive Officer of the
Respiratory Care Board of California. She brought this action solely in her official capacity and
is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of
California, by Beneth A. Browne, Deputy Attorney General.

2. Alden G. Davis (Respondent) is represented in this proceeding by attorney
Adam Brown, whose address is: Law Offices of Brown & Brown, Torrance Executive Plaza
3848 Carson Street, Suite 206, Torrance, California 90503.

3. On or about August 7, 2007, the Respiratory Care Board of California
issued Respiratory Care Practitioner License No. 26416 to Alden G. Davis. That license was in
full force and effect at all times relevant to the charges brought in the First Amended Accusation

1 and Petition to Revoke Probation No. D1 2006 205 and will expire on February 28, 2010, unless
2 renewed.

3 **JURISDICTION**

4 4. The Accusation and Petition to Revoke Probation in case number D1 2006
5 205 was filed and served before the Respiratory Care Board (Board), Department of Consumer
6 Affairs on April 2, 2008. Respondent filed a timely Notice of Defense dated April 11, 2008
7 contesting the matter. Subsequently, a First Amended Accusation and Petition to Revoke
8 Probation in case number D1 2006 205 was filed and properly served on Respondent. The First
9 Amended Accusation and Petition to Revoke Probation is currently pending against and
10 contested by Respondent. A copy of the First Amended Accusation and Petition to Revoke
11 Probation is attached as Exhibit A and is incorporated herein by reference.

12 **ADVISEMENT AND WAIVERS**

13 5. Respondent has carefully read, fully discussed with counsel, and
14 understands the charges and allegations in the First Amended Accusation and Petition to Revoke
15 Probation in case number D1 2006 205. Respondent also has carefully read, fully discussed with
16 counsel, and understands the effects of this Stipulated Surrender of License and Order.

17 6. Respondent is fully aware of his legal rights in this matter, including the
18 right to a hearing on the charges and allegations in the First Amended Accusation and Petition to
19 Revoke Probation; the right to be represented by counsel, at his own expense; the right to
20 confront and cross-examine the witnesses against him; the right to present evidence and to testify
21 on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses
22 and the production of documents; the right to reconsideration and court review of an adverse
23 decision; and all other rights accorded by the California Administrative Procedure Act and other
24 applicable laws.

25 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
26 each and every right set forth above.

27 **CULPABILITY**

28 8. Respondent admits the truth of each and every charge and allegation in the

1 First Amended Accusation and Petition to Revoke Probation in case number D1 2006 205,
2 agrees that cause exists for discipline and hereby surrenders his Respiratory Care Practitioner
3 License No. 26416 for the Board's formal acceptance.

4 9. Respondent understands that by signing this stipulation he enables the
5 Board to issue an order accepting the surrender of his Respiratory Care Practitioner License
6 without further process.

7 **RESERVATION**

8 10. The admissions made by Respondent herein are only for the purposes of
9 this proceeding, or any other proceedings in which the Respiratory Care Board or other
10 professional licensing agency is involved, and shall not be admissible in any other criminal or
11 civil proceeding.

12 **CONTINGENCY**

13 11. This stipulation shall be subject to approval by the Respiratory Care
14 Board. Respondent understands and agrees that counsel for Complainant and the staff of the
15 Respiratory Care Board of California may communicate directly with the Board regarding this
16 stipulation and surrender, without notice to or participation by Respondent or his counsel. By
17 signing the stipulation, Respondent understands and agrees that he may not withdraw his
18 agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon
19 it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender
20 and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be
21 inadmissible in any legal action between the parties, and the Board shall not be disqualified from
22 further action by having considered this matter.

23 12. The parties understand and agree that facsimile copies of this Stipulated
24 Surrender of License and Order, including facsimile signatures thereto, shall have the same force
25 and effect as the originals.

26 13. In consideration of the foregoing admissions and stipulations, the parties
27 agree that the Board may, without further notice or formal proceeding, issue and enter the
28 following Order:

1 **ORDER**

2 **IT IS HEREBY ORDERED THAT** Respiratory Care Practitioner License No.
3 26416, issued to Respondent Alden G. Davis, is surrendered and accepted by the Respiratory
4 Care Board.

5 1. The surrender of Respondent's Respiratory Care Practitioner License and
6 the acceptance of the surrendered license by the Board shall constitute the imposition of
7 discipline against Respondent. This stipulation constitutes a record of the discipline and shall
8 become a part of Respondent's license history with the Board.

9 2. Respondent shall lose all rights and privileges as a Respiratory Care
10 Practitioner in California as of the effective date of the Board's Decision and Order.

11 3. Respondent shall cause to be delivered to the Board both his wall license
12 certificate, and, if one was issued, pocket license on or before the effective date of the Decision
13 and Order.

14 4. Respondent fully understands and agrees that if he ever files an application
15 for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a
16 petition for reinstatement. Respondent must comply with all the laws, regulations and
17 procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all
18 of the charges and allegations contained in the First Amended Accusation and Petition to Revoke
19 Probation in case number D1 2006 205 shall be deemed to be true, correct and admitted by
20 Respondent when the Board determines whether to grant or deny the petition.

21 5. Should Respondent ever apply or reapply for a new license or certification,
22 or petition for reinstatement of a license, by any other health care licensing agency in the State of
23 California, all of the charges and allegations contained in the First Amended Accusation and
24 Petition to Revoke Probation shall be deemed to be true, correct, and admitted by Respondent for
25 the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict
26 licensure.

27 6. Respondent fully understands and agrees that before or at the time he ever
28 petitions the Board for reinstatement, he shall pay the Board \$4,500, a reduced portion of its

costs of investigation and enforcement in this matter.

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Adam Brown. I understand the stipulation and the effect it will have on my Respiratory Care Practitioner License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Respiratory Care Board.

DATED: July 14, 2009.

Original signed by: _____
ALDEN G. DAVIS
Respondent

I have read and fully discussed with Respondent Alden G. Davis the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: July 14, 2009.

Original signed by: _____
ADAM BROWN
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Respiratory Care Board of the Department of Consumer Affairs.

DATED: July 14, 2009

EDMUND G. BROWN JR., Attorney General
of the State of California

Original signed by: _____
BENETH A. BROWNE
Deputy Attorney General

Attorneys for Complainant

Exhibit A

First Amended Accusation and Petition to Revoke Probation No. D1 2006 205

**BEFORE THE
RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation and Petition to
Revoke Probation Against:

ALDEN G. DAVIS

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Respiratory Care Practitioner License No. 26416,

Respondent.

Case No. D1 2006 205

OAH No. 2009030167

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the
Respiratory Care Board, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on September 10, 2009.

IT IS SO ORDERED August 31, 2009.

Original signed by: _____

LARRY L. RENNER, BS, RRT, RCP, RPFT
PRESIDENT, RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA